

State of South Dakota

SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

932E0631

HOUSE ENGROSSED NO. **HB 1146** - 02/02/2001

Introduced by: Representatives Lintz, Eccarius, Frysliie, Garnos, Juhnke, Klaudt, Napoli, Pederson (Gordon), Pitts, Pummel, and Rhoden and Senators Vitter, Albers, Apa, Greenfield, Hainje, and McCracken

1 FOR AN ACT ENTITLED, An Act to create the position of state wildland fire coordinator and
2 to transfer forest fire suppression activities from the state forester to the state wildland fire
3 coordinator.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 41-20 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 The Department of Agriculture may employ a state wildland fire coordinator who shall be
8 qualified for and authorized to carry out all wildfire suppression activities.

9 Section 2. That § 41-20-3 be amended to read as follows:

10 41-20-3. The state forester, under the direction of the Department of Agriculture, shall
11 administer and enforce all state laws with reference to forests, woodlands, trees, and tree
12 plantations, public and private, and the state wildland fire coordinator shall provide their
13 protection from fire, trespass, and all other damaging influences.

14 Section 3. That § 41-20-4 be amended to read as follows:

1 41-20-4. The state ~~forester~~ wildland fire coordinator, under the direction of the Department
2 of Agriculture, shall take authorized action to prevent, suppress, and extinguish forest fires on
3 all state and privately owned lands and direct and aid the efforts of all fire suppression forces
4 involved in ~~such~~ the fires. The ~~state forester~~ coordinator may bring an action in circuit court
5 against the responsible person to obtain reimbursement for reasonable fire suppression and
6 extinguishment costs.

7 Section 4. That § 41-20-5 be amended to read as follows:

8 41-20-5. There is hereby established a fund in the state treasury to be known as the state fire
9 suppression special revenue fund which is hereby appropriated for the payment of costs incurred
10 by the state ~~forester~~ wildland fire coordinator in suppressing forest fires as authorized by
11 § 41-20-4. There has been appropriated fifty thousand dollars for the fund.

12 Any damages paid from judgments or settlements in civil actions taken under § 41-20-4 and
13 reimbursements or contributions from other sources for suppressing forest fires may be deposited
14 into the fund.

15 Section 5. That § 41-20-8 be amended to read as follows:

16 41-20-8. The state forester, with the sanction of the Department of Agriculture, may, upon
17 request, assist and cooperate with any agency of the United States government, all state, county,
18 and municipal agencies, and with any corporation, association, partnership, or individual owning
19 or controlling any forestland, woodland, shelterbelt, or rangeland in the management and
20 protection of such forestland, woodland, shelterbelt, or rangeland, including, ~~but not limited to:~~

- 21 (1) Preparation of plans for management, protection, replacement;
- 22 (2) Management, surveying, harvesting, marketing, and processing of forest products;
- 23 (3) Creation and administration of fire protection districts;
- 24 (4) Disposal of slash, debris from logging operations, and other fire and insect hazards;

(5) ~~Prevention and suppression of fires and other nuisances~~ Assistance to the state
wildland fire coordinator in the prevention and suppression of fires;

(6) Prevention and suppression of other nuisances.

In providing timber sale assistance pursuant to subdivisions (1) and (2) of this section, on private lands, the state forester shall determine that such assistance is not reasonably available through a consulting forester. If ~~such~~ the assistance is determined to be unavailable from a consulting forester, the state forester may provide the assistance after courtesy notification to private industrial foresters. However, the assistance provided shall be limited to thirty man days over a period of six years per individual owner.

After providing assistance in the suppression of fires pursuant to subdivision (5) of this section, the state ~~forester~~ wildland fire coordinator may collect fire suppression and extinguishment costs pursuant to § 41-20-5 if the costs were initially incurred by the ~~state~~ ~~forester~~ coordinator or if the ~~state-forester~~ coordinator has repaid any of the governmental agencies or persons described by this section for goods or services used in fire suppression efforts directed by the ~~state-forester~~ coordinator.

Section 6. That § 41-20-8.1 be amended to read as follows:

41-20-8.1. At the request of a board of county commissioners or a person designated by a board of county commissioners for such purpose, the state ~~forester~~ wildland fire coordinator may assist in the suppression of any range fire within the county. If the ~~state-forester~~ coordinator provides ~~such~~ the assistance, the county to which ~~such~~ the assistance is given shall reimburse the ~~state-forester~~ coordinator for the reasonable expenses incurred in giving ~~such~~ the assistance ~~provided if~~ the assistance includes the use of more than one state vehicle and more than two state employees.